

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index No.:

-----X  
CARTER GREENHOWARD,Plaintiff designates  
QUEENS COUNTY  
As place of trial.

Plaintiff,

-against -

JERICHO SCHOOL DISTRICT and JERICHO  
MIDDLE SCHOOL,The basis of venue is  
plaintiff's residence at 69-  
26 Elizabeth Ave  
Arverne, NY 11692.

Defendants.

SUMMONS-----X  
To the above named defendant (s):

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, QUEENS COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: Jordan K. Merson  
Attorney for Plaintiffs  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**TO:**  
**JERICO MIDDLE SCHOOL**  
99 Old Cedar Swamp Road  
Jericho, NY 11753

**JERICO SCHOOL DISTRICT**  
99 Cedar Swamp Road  
Jericho, New York 11753

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index No.:

\_\_\_\_\_/19

-----X  
CARTER GREENHOWARD,

Plaintiff,

-against -

JERICHO SCHOOL DISTRICT and JERICHO  
MIDDLE SCHOOL,**VERIFIED  
COMPLAINT**Defendants.  
-----XPlaintiff(s), above named, complaining of the defendants, by **MERSON LAW,**

PLLC., respectfully allege(s):

**NATURE OF THE CLAIM**

1. This is the case of Plaintiff, Carter Greenhoward, who was sexually abused by his middle school chorus teacher, Barry Alyn ("Alyn") at and of Jericho School District and Jericho Middle School (hereinafter collectively referred to as "Jericho").
2. Alyn was plaintiff's chorus teacher at Jericho Middle School from approximately 1982 to 1983. Alyn was known among the children and community as a sexual predator.
3. Beginning in approximately 1982 and continuing until approximately 1983, Alyn, while acting under the scope of his employment with Jericho and on behalf Jericho, sexually abused plaintiff by touching and/or fondling his penis, forcibly kissing him, force plaintiff to engage in oral sex, anally rape plaintiff and otherwise sexually abuse him.
4. Jericho knew of or should have known that Alyn was sexually abusing plaintiff and/or other students.
5. Upon information and belief, Alyn's sexual abuse of students was open and obvious and known by many students, teachers, staff and administrators.
6. Plaintiff brings this lawsuit to recover for the emotional and physical suffering he incurred because of the negligence of Jericho School District and Jericho Middle School

and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

### PARTIES

7. At all times herein mentioned, defendant **JERICHO SCHOOL DISTRICT** was a domestic school organized and authorized to do business in the State of New York.
8. At all times herein mentioned, defendant **JERICHO SCHOOL DISTRICT** was located at 99 Cedar Swamp Road, Jericho, New York 11753.
9. At all times herein mentioned, Alyn was a teacher at **JERICHO SCHOOL DISTRICT** operating under the direction and control of defendant **JERICHO SCHOOL DISTRICT**, and its agents, servants and/or employees.
10. At all times herein mentioned, Alyn was an agent, servant and/or employee of defendant **JERICHO SCHOOL DISTRICT**.
11. At all times herein mentioned, defendant **JERICHO MIDDLE SCHOOL** was a domestic school organized and authorized to do business in the State of New York.
12. At all times herein mentioned, defendant **JERICHO MIDDLE SCHOOL** was located at 99 Old Cedar Swamp Road, Jericho, NY 11753.
13. At all times herein mentioned, Alyn was a teacher at **JERICHO MIDDLE SCHOOL** operating under the direction and control of defendant **JERICHO MIDDLE SCHOOL**, and its agents, servants and/or employees.
14. At all times herein mentioned defendant **JERICHO MIDDLE SCHOOL** and defendant **JERICHO SCHOOL DISTRICT** were agents, servants, employees and/or alter egos of each other.

### FACTS OF THE CASE

15. Defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL's** negligence and recklessness caused Alyn to have access to children, including on Jericho

premises, despite their knowledge that Alyn sexually abused children and/or had the propensity to sexually abuse children and therefore are responsible for the injuries incurred because but for Defendants **JERICOH SCHOOL DISTRICT** and **JERICOH MIDDLE SCHOOL's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Alyn. Defendants' gross negligence, reckless, wanton and/or willful conduct supports punitive liability.

16. During the 1982 to 1983 school year, when plaintiff was in the seventh grade, he was sexually abused by his chorus teacher, Barry Alyn approximately ten times.
17. The first time Alyn sexually abused plaintiff was on an all boys ski trips he would take students on. It was common knowledge that the student who sat in the front seat of the bus was Alyn's current victim. Alyn sexually abused plaintiff on the bus to the ski trip by opening plaintiff's pants and touching his penis.
18. On another ski trip, Alyn confined plaintiff in the bathroom at the ski lodge, pulled down plaintiff's pants and his own pants, forced plaintiff to sit down, forced his penis in plaintiff's mouth and moved his body back and forth while plaintiff was frozen in fear thereby forcing plaintiff to perform oral sex on him.
19. Plaintiff was sexually abused by Alyn on Jericho property in the chorus room and a smaller room located in the back of the chorus room.
20. During music class, Alyn would touch plaintiff's penis over his clothes.
21. In the chorus room at Jericho Middle School, Alyn would forcefully kiss plaintiff.
22. Alyn would trick plaintiff into going into the back room of the chorus room under the guise of looking for a CD so that he could forcefully perform oral sex on him and anally rape him.
23. Upon information and belief, Alyn sexually abused other students.



24. Alyn was arrested in Florida and is currently serving 30 years in prison for similarly abusing a twelve-year-old boy in Broward County.
25. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant's negligence in undertaking a duty in loco parentis to keep its students safe from predators and failing to act in accord with that duty by allowing Alyn, to continue his role where he had the access and the means to prey on young students like plaintiff.

**AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO JERICHO SCHOOL DISTRICT AND JERICHO MIDDLE SCHOOL**

26. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 25. inclusive, with the same force and effect as if hereinafter set forth at length.
27. At all times mentioned herein, defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** owed a duty of care in loco parentis to keep the students, including plaintiff, in its school safe from sexual abuse by its teachers under its supervision and control that ultimately befell the Plaintiff.
28. At all times herein mentioned, defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** owed a duty of care to properly supervise its teachers to ensure that its students were not being abused by teachers on its campus.
29. At all times mentioned herein, defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
30. As a result of the negligence of defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** and/or their agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering,

mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

31. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
32. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
33. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
34. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION**

**AS TO JERICHO SCHOOL DISTRICT AND JERICHO MIDDLE SCHOOL**

35. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 34. inclusive, with the same force and effect as if hereinafter set forth at length.
36. Defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL**, had a duty to supervise and prevent known risks of harm to its students.
37. Defendants were negligent in hiring, retaining and supervising Alyn and other school officials, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge, skill and moral character of school officials who should have properly been supervising the teachers and students to ensure the safety of the students.
38. Defendant **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** knew or should have known that Alyn sexually abused plaintiff and/or had the capacity and/or propensity to properly do so, and failed to supervise Alyn.

39. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
43. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

**AS TO JERICHO SCHOOL DISTRICT AND JERICHO MIDDLE SCHOOL**

44. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if herein set forth at length.
45. Defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Alyn, the teacher who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
46. Defendants **JERICHO SCHOOL DISTRICT** and **JERICHO MIDDLE SCHOOL** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.



47. Defendants have the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Alyn.
48. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Alyn sexually abusing Plaintiff.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
50. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
51. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
52. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Sarah R. Cantos  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**Index No.:  
\_\_\_\_\_/19-----X  
**CARTER GREENHOWARD,****Plaintiff,****-against -****JERICO SCHOOL DISTRICT and JERICO  
MIDDLE SCHOOL,****ATTORNEY  
VERIFICATION****Defendants.**  
-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



\_\_\_\_\_  
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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CARTER GREENHOWARD,

*Plaintiff,*

*- against -*

JERICHO SCHOOL DISTRICT and JERICHO MIDDLE  
SCHOOL,

*Defendants.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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